

- 3 -

REMARKS**STATUS OF CLAIMS**

Claims 8-13 are pending.

REJECTIONS UNDER 35 U.S.C. § 102

Claims 8, 11, 12, and 13 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by US 2002/0138860 A1 (26 September 2002) Cook *et al.* (claims priority to provisional application No. 60/152,866 filed 8 September 1999).

Applicants point out the following excerpt from MPEP 2136.01.

For applications filed on or after November 29, 1999, a provisional rejection under 35 U.S.C. 102(e)/103 is not proper if the application contains evidence that the application and the prior art reference were owned by the same person, or subject to an obligation of assignment to the same person, at the time the invention was made.

Notably, the present application was filed on July 31, 2001 (claims priority to provisional application No. 60/222,258 filed 1 August 2000). Cook *et al.* prominently displays Schering-Plough Corporation in the correspondence address. Moreover, enclosed is an assignment to Schering Corporation from the inventors (*i.e.*, Cook, Lira, and Narula) in the provisional application for Cook *et al.* (U.S.S.N. 60/152,866). Similarly, the present application is assigned to Schering Corporation as evidenced in the enclosed copy of the recorded assignment.

In light of the above, Applicants respectfully request withdrawal of this 35 U.S.C. §102(e) rejection.

REJECTIONS UNDER 35 U.S.C. § 103

Claims 9 and 10 stand rejected under 35 U.S.C. § 103 as allegedly being unpatentable over US 2002/0138860 A1 (26 September 2002) Cook *et al.* (claims priority to provisional application No. 60/152866 filed 8 September 1999) in view of MacDermott *et al.* (February 1998) "The Central Role of Chemokines (Chemotactic Cytokines) in the Immunopathogenesis of Ulcerative Colitis and Crohn's Disease," Inflammatory Bowel Diseases, 4(1):54-67.

Applicants point out the following excerpt from MPEP 706.02(1)(1).

Effective November 29, 1999, subject matter which was prior art under former 35 U.S.C. 103 via 35 U.S.C. 102(e) is now disqualified as prior art against the claimed invention if that subject matter and the claimed invention "were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person." This change to 35 U.S.C. 103(c) applies to all utility, design and plant patent applications filed on or after

- 4 -

November 29, 1999, including continuing applications filed under 37 CFR 1.53(b), continued prosecution application filed under 37 CFR 1.53(d), and reissues....

The mere filing of a continuing application on or after November 29, 1999, with the required evidence of common ownership, will serve to exclude commonly owned 35 U.S.C. 102(e) prior art that was applied, or could have been applied, in a rejection under 35 U.S.C. 103 in the parent application.

Applicants note that the Cook *et al.* patent application 10/102,468 published as US 2002/0138860 A1 and the present patent application were, at the time the invention of patent application 10/102,468 was made, jointly owned by, or subject to an obligation of assignment to, Schering Corporation. Consequently, Cook *et al.* is not available as prior art under 35 U.S.C. §103.

MacDermott *et al.* does not disclose or suggest the use of an agent to decrease signaling mediated by MIP-3 α specifically.

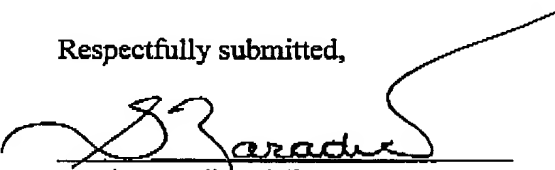
In light of the above, Applicants respectfully request withdrawal of this 35 U.S.C. §103 rejection.

CONCLUSION

It is believed that the foregoing arguments place this application now in condition for allowance. Early and favorable action allowing pending claims 8-13 is respectfully solicited.

Respectfully submitted,

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